

South Dakota Public Utilities Commission Meeting
Tuesday, August 7, 2007, at 9:30 A.M.
State Capitol Building, Room 412
Pierre, South Dakota

NOTE: *If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 5:00 p.m. on August 6, 2007. Lines are limited and are given out on first come/first serve basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available you may have to appear in person.*

NOTE: *To listen to the Commission Meeting live please go to the PUC's website www.puc.sd.gov and click on the LIVE button on the home page. The Commission requests that persons who will only be listening to proceedings and not actively appearing in a case listen via the webcast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab and then click on the LISTEN button on the page.*

NOTE: *Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.*

ADDENDUM TO THE AGENDA OF COMMISSION MEETING

Telecommunications

1. **TC06-191** **In the Matter of Dish Network's Failure to Register as a Telemarketer and the Solicitations it made to those Registered on the Do Not Call List. (Staff Attorney: Kara Van Bockern)**

On November 15, 2006, Commission Staff filed a Motion for an Order to Show Cause due to Dish Network's failure to register as a telemarketer and the solicitations it made to individuals registered with the South Dakota Do Not Call Registry. Upon further investigation, Staff determined that Dish Network is a subsidiary of EchoStar Satellite, LLC. The Commission added EchoStar Satellite, LLC as a party and issued an Order to Show Cause at its December 6, 2006, meeting. On April 13, 2007, staff filed a Motion for Continuance of Discovery and to Add Additional Parties. The Motion was granted at the April 24, 2007, commission meeting. On July 24, 2007, the parties filed a Joint Motion for Delay.

TODAY, shall the Commission Grant the Motion to Delay?

2. **TC07-007** **In the Matter of the Petition of Brookings Municipal Utilities d/b/a Swiftel Communications for Suspension or Modification of Dialing Parity, Number Portability and Reciprocal Compensation Obligations. (Staff Analyst: Harlan Best, Staff Attorney: Karen Cremer)**

On January 30, 2007, Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) filed a Petition for Suspension or Modification of Local Dialing Parity, Number Portability and Reciprocal Compensation Obligations. In its Petition, Swiftel states that it requests the Commission grant a suspension

or modification of 47 U.S.C. Sections 251(b)(2), (3) and (5) of the Communications Act of 1934, as amended. "Swiftel requests modification of the local number portability requirement such that is not required to implement wireline local number portability until 4 months after a competitive LEC is certificated to provide service in Swiftel's service territory. Swiftel also requests modification of the local number portability requirement such that Swiftel is not required to transport numbers beyond its service territory. Swiftel requests modification of the dialing parity requirement such that Swiftel is not required to provide local dialing and it is not required to transport traffic outside of its service territory. Swiftel also requests modification of the toll dialing parity requirement such that Swiftel is not required to perform the equal access function at the end office or establish access traffic transport facilities other than the common trunks to South Dakota Network (SDN). Swiftel also asks the Commission to modify any requirement that Swiftel would not be able to collect access charges for toll traffic. Swiftel requests a modification of the reciprocal compensation requirements such that it is not required to pay reciprocal compensation on traffic terminating to a wireless carrier within the MTA that is handed off to an IXC in accordance with Swiftel's wireline local calling areas. Swiftel also requests immediate temporary suspension of the 251(b) (2), (3) and (5) requirements as described [in its Petition] pending this Commission's consideration of this request." On February 12, 2007, Alltel Communications, Inc. (Alltel) and Sprint Communications Company, L.P. (Sprint) filed Petitions for Intervention. Midcontinent Communications (Midcontinent) filed a Petition to Intervene on February 14, 2007. South Dakota Network, LLC (SDN) filed a Petition to Intervene on February 15, 2007. On February 16, 2007, MCC Telephony of the Midwest, Inc. d/b/a Mediacom (Mediacom) filed a Petition to Intervene. SDTA filed a Petition to Intervene on February 16, 2007. On March 5, 2007, Swiftel filed its Opposition to the Petition to Intervene filed by Midcontinent. Intervention was granted to Midcontinent, SDN, Mediacom, and SDTA at the March 13, 2007, commission meeting. On July 9, 2007, the parties filed a Stipulation and requested a continuance of all deadlines for a period of seven months.

TODAY, shall the Commission Approve the Stipulation and Issue a Continuance of all Deadlines for a Period of Seven Months?

3. TC07-085 In the Matter of the Filing by Primus Telecommunications, Inc. for Approval of Relief of Certification Requirement to Post Surety Bond. (Staff Analyst: Keith Senger, Staff Attorney: Karen Cremer)

On August 14, 1996, and on February 27, 1998, the Commission issued Orders granting Primus Telecommunications, Inc. authority to provide interexchange telecommunications services in South Dakota, subject to posting a \$25,000 bond. On July 17, 2007, the Commission received a filing from Primus Telecommunications, Inc. requesting relief from the bond requirement.

TODAY, shall the Commission Approve of Relief of Certification Requirement to Post Surety Bond?

4. In the Matter of the Application of MCC Telephony of the Midwest, Inc. d/b/a Mediacom for a Certificate of Authority in Dockets TC06-188 and TC06-189

TC06-188 In the Matter of the Application of MCC Telephony of the Midwest, Inc. d/b/a Mediacom for a Certificate of Authority to Provide Interexchange and Local Exchange Services in the Brookings Exchange (Staff Analyst: Nathan Solem, Staff Attorney: Kara Van Bockern)

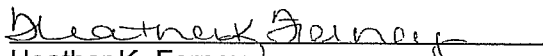
On November 6, 2006, MCC Telephony of the Midwest, Inc. d/b/a Mediacom ("MCC") filed a petition for a certificate of authority to provide facilities-based and resold basic local exchange services. Services proposed will include non-switched, switched local services and special access services in the Brookings rural exchange area. Brookings Municipal Utilities d/b/a Swiftel Telecommunications (Swiftel) filed a Petition for Intervention on November 21, 2006. The South Dakota Telecommunications Association (SDTA) filed a

Petition for Intervention on November 22, 2006. The Commission granted intervention to Swiftel and SDTA at its December 6, 2006, meeting. The parties filed a ~~Stipulation Agreement~~ Joint Motion to Delay Hearings.

TC06-189 In the Matter of the Application of MCC Telephony of the Midwest, Inc. d/b/a Mediacom for a Certificate of Authority to Provide Interexchange and Local Exchange Services in the Castlewood, Elkton, Estelline, Hayti, Lake Norden and White Exchanges (Staff Analyst: Nathan Solem, Staff Attorney: Kara Van Bockern)

On November 6, 2006, MCC Telephony of the Midwest, Inc. d/b/a Mediacom ("MCC") filed a petition for a certificate of authority to provide facilities-based and resold basic local exchange services. Services proposed will include non-switched, switched local services and special access services in the Castlewood, Elkton, Estelline, Hayti, Lake Norden and White rural exchange areas. On November 10, 2006, Interstate Telecommunications Cooperative, Inc. (ITC) filed a Petition for Intervention. The South Dakota Telecommunications Association (SDTA) filed a Petition for Intervention on November 22, 2006. Intervention was granted to ITC at the November 28, 2006, commission meeting. The Commission granted intervention to SDTA at its December 6, 2006, meeting. The Parties filed a ~~Stipulation Agreement~~ Joint Motion to Delay Hearings.

TODAY, shall the Commission ~~Approve the Stipulation and Close the Dockets Above~~ Grant the Joint Motion to Delay Hearings?


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